



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Jarke Corporation

File: B-224937

Date: November 5, 1986

DIGEST

Protest against award to another firm is dismissed as academic where the contract has been terminated for the convenience of the government because the agency determined the solicitation improperly restricted competition.

DECISION

Jarke Corporation protests the award of a contract to Axia Corporation under Defense Logistics Agency (DLA) request for proposals (RFP) No. DLA710-86-R-0048, issued to procure Nestainer or equal pallet stacking racks. Jarke submits that it was entitled to the award because it submitted the low compliant offer. Jarke also complains that the RFP should have been issued as an invitation for bids, should have been a small business set-aside, and was unduly restrictive of competition. We dismiss the protest.

By letter dated October 29, 1986, DLA advised our Office that after Jarke filed its protest, the agency reviewed the solicitation and found that it improperly restricted competition. Consequently, the agency terminated Axia's contract for the convenience of the government and intends to issue a new solicitation with revised purchase specifications.

In view of DLA's advice, Jarke's protest against the award to Axia is academic. Accordingly, we will not consider it on the merits. Bru Construction Co., Inc., B-221383.2, May 27, 1986, 86-1 C.P.D. ¶ 487.

A handwritten signature in black ink, appearing to read "R. Strong", is written over the typed name of Robert M. Strong.

Robert M. Strong
Deputy Associate
General Counsel

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